IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 1174 of 2006

Dr.Purushottam Gopalrao Kale & ors.. Petitioners

versus

The State of Maharashtra & Ors. .. Respondents

...

Mr.Vijay Patil a/w Mr.Mr.U.T. Naik for the petitioners.

Mr.R.M. Patne, AGP for respondent nos.1,2, 3 and 12.

CORAM : D.G. KARNIK, J

DATED : 1st March 2006.

P.C.:

1. Heard learned counsel for the petitioner and learned AGP for respondent nos.1, 2, 3 and 12.

2. By this petition, the petitioners challenge the order dated 20th September 2005 passed by the Divisional Joint Registrar Co=operative Societies

Bombay dismissing Appeal No.39 of 2005.

3. Learned AGP points out that the petitioners have filed a revision bearing Revision Application No.418 of 2005 challenging the impugned order. The petitioners not only has an alternative efficacious remedy of revision under section 154 of the Maharashtra Co-operative Societies Act but has actually availed of that remedy. In the circumstances, I am not inclined to entertain the Writ Petition.

4. Learned counsel for the petitioners submits that they have approached this Court because despite the stay granted by the Hon'ble Minister on 16th November 2005 in the revision, the respondent no.12 has forcibly taken possession of the office of the society. Learned AGP states that the stay was not communicated to the administrator either by Government or even by the petitioners. In the circumstances, the administrator (respondent no.12) was not aware of the stay and therefore, he took the possession on 29th December 2005. Immediately on possession being taken, the petitioners have approached the Hon'ble Minister for orders for return of the possession. If so, it would be open to the petitioners to pursue the

application which they have made to the revisional authority.

5. Learned AGP states that the respondent no.1 shall decide the revision application filed by the petitioners expeditiously and in any event within a period of three months. Statement is recorded and accepted.

6. In view of the fact that the petitiones have an alternative, efficacious remedy, the Writ Petition is rejected.

(D.G. KARNIK, J)